

**REMARKS**

Claims 1-47 are pending in the application. Independent claim 43 has been allowed and dependent claims 14-26, 28, 29, 32, 33, 36-42, and 45-47 are allowable. Claims 1-13, 27, 30, 31, 34, 35 and 44 stand rejected under 35 U.S.C §102 and/or §103. Applicants respectfully request reconsideration of the rejections in view of the above amendments and the following remarks.

At the outset, independent claims 1 and 31 have been amended to clarify the present invention. Dependent claim 22 has been amended to conform to the amendment of its parent, claim 1. No new matter has been added.

The application has four independent claims, of which three (claims 1, 31 and 44) have been rejected. Claims 1 and 31 are directed to enclosures having movable hinge clips. Claim 44 is directed to a cover plate suitable for use with the weatherproof enclosures of claims 1 and 31. Applicants have amended claims 1 and 31 to replace the term “movable” hinge clip with the term “adjustable position” hinge clip. An “adjustable position” clip is a clip that can be moved from a location at the top of an enclosure to a location at a side of the enclosure and vice-versa by slidably moving the clip. See, FIGS. 4A, 4B. Since the position of the clip can be adjusted, the direction of opening (“orientation”) of the cover can be changed from vertical to horizontal or vice-versa as many times as a user desires. Support for the amendment is found in the specification at p. 3, line 7-13; p. 21, line 12 *et seq.* and p. 25, line 8 *et seq.* No new matter has been added.

Claims 1-3, 5-8, 11, and 31 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,649,838 to Lopez Sr. *et al.* (“*Lopez*”). Applicants respectfully traverse this ground of rejection.

*Lopez* does not disclose the adjustable position hinge clip recited in amended claims 1 and 31. Instead, *Lopez* discloses a “hinge region” whose position is permanent. That is, unlike

the present invention, once the hinge region of *Lopez* has been molded or formed (*see, Lopez*, col. 4, line 9-12), a user cannot later adjust the position of the hinge region from the top to a side of the structure of *Lopez* or vice versa. Also, claim 31 further recites “an adjustable-position cover”, i.e. a cover whose “orientation can be changed even after the enclosure has been mounted over the electrical fixture....” Specification, p. 2, line 15-21. In contrast, the orientation of the cover region of *Lopez* cannot be changed. Thus, the cover region of *Lopez* is not an “adjustable-position” cover.

Based on the foregoing, *Lopez* fails to disclose all of the elements recited in claims 1 and 31 and therefore does not anticipate these claims. Thus, claims 1 and 31 are allowable. Claims 2-30 and 32-42 respectively depend from claims 1 and 31 and are allowable over *Lopez* for the same reasons as their parent claims.

Independent claim 44 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,965,844 to Lippa (“*Lippa*”). Applicants respectfully traverse this ground of rejection.

Independent claim 44 is directed to a “cover plate”. The term “cover plate” relates to plates generally used in the electrical industry for covering electrical fixtures such as receptacles in order to conceal, protect and prevent inadvertent access to the electrical wiring inside the fixture. Cover plates are also referred to in the electrical industry as “face plates” or “wall plates”. *Lippa* does not disclose a cover plate. In contrast, *Lippa* discloses a mounting plate that enables the installation of spaced-apart electrical boxes abutting both sides of a wall stud so that the electrical boxes are in the same horizontal plane. (*Lippa*, Abstract, col. 1, line 59-63, col. 2, line 33-34 and 47-54.) Applicants also note that the class of *Lippa* is listed as 174/49; 174/55; 174/58; 174/63; 220/3.3; 220/3.8 and 248/205.1. None of these classes relate to a “cover plate” which generally falls under class 174/66 and/or 220/241.

Also, the mounting plate of *Lippa* does not protect devices mounted inside electrical outlet boxes as Examiner states (*see*, Final Office Action, p. 12) but, instead, actually provides access to devices inside the electrical box. *See*, *Lippa*, col. 2, line 33-41 and col. 4, line 59-67. In fact, FIGS. 11 and 12 of *Lippa* show that the wiring inside electrical outlet boxes are exposed and not protected by the mounting plate. Separate “cover plates” have to be placed over the mounting plate of *Lippa*. (*see*, *Lippa*, FIG. 13) to conceal and protect said wiring.

Claim 44 also recites an upper recess disposed on a top corner of the cover plate and a first horizontally elongated mounting hole disposed on an opposite top corner. Claim 44 further recites a lower recess disposed on a bottom corner diagonally opposite from the upper recess and a second horizontally elongated mounting hole disposed on an opposite bottom corner. The Examiner, however, states that “recess 26” and “mounting hole 26” of *Lippa* discloses these recesses and mounting holes. *See*, Final Office Action, p. 4. Applicants respectfully disagree. *Lippa* actually discloses two different elements that are both labeled in *Lippa* as “opening 26”. The Examiner is not clear which opening 26 of *Lippa* he is referring to. However, as discussed below, neither element 26 of *Lippa* discloses the recesses and mounting holes recited in claim 44.

*Lippa* first discloses “[a] pair of elongated openings 26 ... formed on each side of the flange portion 20 adjacent to the rib 18 around each opening 12.” *Lippa*, col. 3, lines 44-46. Referring to FIGS. 1 and 4-7 of *Lippa*, it can be seen that elongated opening 26 is not a recess as recited by claim 44. It can also be seen that elongated opening 26 is not a horizontally elongated mounting hole as recited by claim 44. Finally, none of the elongated openings 26 are disposed on a top or bottom corner as recited by claim 44. Instead, elongated openings 26 are disposed in the top and bottom edges of flange portion of *Lippa*.

*Lippa* also discloses “[a] plurality of spaced-apart openings 26, preferably elongated, ... formed in the edges of the unitary member 10.” *Lippa*, col. 3, lines 46-48. Referring to FIGS. 1 and 4-7 of *Lippa*, it can be seen that spaced-apart opening 26 is not a recess as recited by claim 44. It can also be seen that spaced-apart opening 26 is also not a horizontally elongated mounting hole as recited by claim 44. Finally, none of the spaced-apart openings 26 are disposed on a top or bottom corner as required by claim 44. Instead, spaced-apart openings 26 are disposed on the left and right side edges of unitary member 10 of *Lippa*.

Further, the recesses and mounting holes of the present invention function differently from the elongated openings disclosed in *Lippa*. In the present invention, the recesses and elongated mounting holes facilitate the positioning and removal of the cover plate from an enclosure. See, e.g., specification, p. 20, lines 6-8. In contrast, the elongated openings and spaced-apart openings disclosed in *Lippa* facilitate adjustable connection of electrical boxes to the mounting plate (see, *Lippa*, col. 3, line 44-51, col. 4, line 5-11, and Figs. 4-5).

Based on the foregoing, *Lippa* does not disclose all of the elements recited in claim 44 and, therefore, does not anticipate claim 44. Claims 45-47 depend from claim 44 and are allowable over *Lippa* for the same reasons.

Dependent claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez*. Applicants respectfully traverse this ground of rejection. Claim 34 depends from amended claim 31 and is allowable over *Lopez* for the reasons discussed above.

Dependent claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez* in view of U.S. Patent No. 4,469,238 to Ranalli (“*Ranalli*”). Applicants respectfully traverse this ground of rejection. Claim 4 depends from amended claim 1 and is allowable over *Lopez* for the reasons discussed above. Further, *Ranalli* does not disclose or suggest the

adjustable position hinge clip recited in amended claim 1. Thus, the combination of *Lopez* and *Ranalli* does not render claim 4 obvious.

Dependent claims 9-10, 12-13, and 35 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *Lopez* in view of U.S. Patent No. 4,266,683 to Sellinger ("*Sellinger*"). Applicants respectfully traverse this ground of rejection.

Claims 9-10 and 12-13 depend from amended claim 1 and claim 35 depends from amended claim 31. Therefore, claims 9-10, 12-13, and 35 are allowable over *Lopez* for the reasons discussed above. Further, *Sellinger* does not disclose a "hood" that shields a cable opening as recited in claim 10, 13, and 35. What Examiner describes as a "hood" in *Sellinger* is actually a removable "threaded cap" in a threaded cable opening whose removal creates a cable opening. *See, Sellinger*, col. 2, line 10-16. In addition, *Sellinger* does not disclose or suggest the adjustable position hinge clip recited in amended claims 1 and 31 or the adjustable-position cover further recited in claim 31. Thus, the combination of *Lopez* and *Sellinger* does not render claims 9-10, 12-13, and 35 obvious.

Dependent claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez* in view of *Lippa*. Applicants respectfully traverse this ground of rejection. Claim 27 depends from amended claim 1 and is allowable over *Lopez* for the reasons discussed above. Also, *Lippa* does not disclose or suggest the adjustable position hinge clip recited in amended claim 1. Further, contrary to what the Examiner states, *Lippa* does not disclose a cover plate and does not disclose or suggest the shape and positional relationship of the recesses and mounting holes recited in claim 27. *Supra*. Thus, the combination of *Lopez* and *Lippa* does render claim 27 obvious.

Dependent claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lopez* in view of *Lippa* as applied to claim 27, and further in view of U.S. Patent No. 5,763,831

to Shotey *et al.* ("*Shotey*"). Applicants respectfully traverse this ground of rejection. Claim 30 depends from claim 27 (which depends from claim 1) and is therefore allowable over the combination of *Lopez* and *Lippa* for the reasons discussed above. Further, *Shotey* does not disclose or suggest the adjustable position hinge clip recited in amended claim 1. Thus, the combination of *Lopez*, *Lippa* and *Shotey* does not render claim 27 obvious.

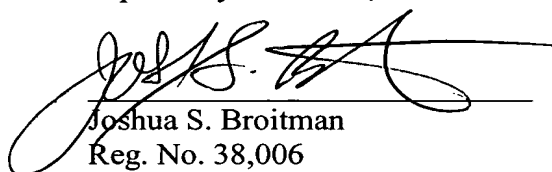
The Examiner objected to claims 14-26, 28-29, 32-33, 36-42 and 45-47 as being dependent on rejected base claims. Applicants respectfully traverse this objection on the ground that these claims are allowable for the same reasons (*supra.*) that their respective base claims (i.e., amended claims 1 and 31 and claim 44) are allowable.

For the reasons set forth above, Applicants believe that all claims pending in this application (1-47) are allowable and request that this case be passed to issue. However, if any issue remains to be resolved, Applicants request that the Examiner telephone the undersigned.

Respectfully submitted,

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Date



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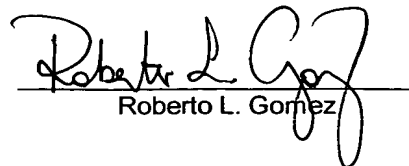
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October 22, 2004

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